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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,336	04/03/2001	John Steinberg	EFIM0261	3928

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EXAMINER

BAYAT, ALI

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,336

Applicant(s)

STEINBERG, JOHN

Examiner

Ali Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6. 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 recites the limitation "said registering" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said uploading" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said uploading" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Chasen U.S. 6,628,829).

In regard to claim1 Chasen provides for a method for correcting colors in digital image space. Comprising: obtaining an image (Fig.1 element 16 col.6 lines 60-63)

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containing a specified target test sheet (Fig.1 element 18 col.7 lines 15-20); creating an image file containing said image (Fig.1 element 40 col.7 lines 5-10); providing a profiling mechanism where said profiling mechanism optionally checking an image file (Fig.1 element 19) for correct alignment with a target test(Fig.1 element 18) sheet with information within said image file (Fig.1 element 19); said profiling mechanism matching colors of said image file with colors of said target test sheet using a transformation image algorithm (Fig.1 element 62 col.7 lines 24-30); and creating a color corrected image profile for said submitted image file (Fig. 1 element 63-64 col.7 lines 29-31).

With regard to claim 2,13 and 19 Chasen provides for a method further comprises transmitting an image profile (col.14 lines 40-45, note electronic E-mail).

As to claim 3 Chasen provides for a method further comprises using an image profile to correct color in another image file (col.14 lines 43-45).

In regard to claim 4 Chase provides for a method further comprises using an image profile to correct contrast in another image file (col.14 lines 43-45, note color catching).

With regard to claim 5 Chasen provides for registering for said profiling software further comprises obtaining a target test sheet and instructions for use (Fig.1 element 17 col.14 lines 15-17).

As to claims 6 and 28 Chasen provides for a method, wherein said uploading an image file for submitting to said profiling mechanism further comprises photographing said target test sheet in specific lighting conditions (col.6 line 66-col.7 line 4).

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With regard to claim 7 Chasen provides for a method, wherein said uploading an image file for submitting to said profiling mechanism further comprises photographing an object under suitable lighting conditions (Fig.1 element 16 col.6 lines 63-64).

In regard to claim 8 Chasen provides for a method wherein said profiling mechanism checking said image file for correct alignment further comprises checking for correct orientation with said target test sheet (col.14 lines 10-14).

As to claim 9 Chasen provides for a method, wherein said profiling mechanism checking said image file for correct alignment further comprises checking for correct intensity (col.14 lines 15-20, note overall brightness).

With regard to claim 10 Chasen provides for a method, wherein said profiling mechanism checking said image file for correct alignment further comprises checking for correct hue (Fig.1 element 62).

As to claim 11 Chasen provides for a method, wherein said transformation image algorithm matches colors of said image file with colors of said target test sheet using binary color coding such that each color is represented by a unique binary number (col.11 lines 27-28).

In regard to claim 12 Chasen provides for a method, wherein, wherein creating a color corrected image profile for said submitted image file further comprises manipulating said color corrected image profile (Fig.1 element 62).

With regard to claim 14 Chasen provides for a method, wherein creating a color corrected image profile further comprises printing said color corrected image profile (Fig.1 element 64).

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In regard to claim 15 Chasen provides for a method, wherein creating a color corrected image profile further comprises linking said color corrected image profile to a digital exhibit space (col.14 lines 43-45, note internet).

As to claim 16 Chasen provides for a method, wherein creating a color corrected image profile further comprises comparing said color corrected image profile to said image file obtained from photographing an object under suitable lighting conditions (col.7 lines 32-36).

With regard to claim 17 Chasen provides for a method, wherein creating a color corrected image profile further comprises saving said color corrected image profile for future viewing (col.7 lines 60-65).

In regard to claim 18 Chasen provides for a method, wherein said uploading an image file for submitting to said profiling software further comprises uploading said image file to a web site (col.14 lines 44-45).

As to claim 20 Chasen provides for a method, wherein creating a color corrected image profile further comprises printing said color corrected image profile on a local printer (col.13 element 40).

With regard to claim 21 Chasen provides for a method, wherein creating a color corrected image profile further comprises printing said color corrected image profile at a specified remote location (col.14 lines 40-45, note electronic E-mail).

In regard to claim 22 Chasen provides for a method, wherein creating a color corrected image profile further comprises printing said color corrected image profile

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comprises applying a printer's device dependent color space for color correction (col.13 element 40).

As to Claim 23 Chasen provides for a method, wherein creating a color corrected image profile further comprises linking said digital exhibit space to said web site (col.14 element 44).

With regard to claim 24 Chasen provides for a method, wherein creating a color corrected image profile further comprises accessing said digital exhibit space linked to said web site (col.14 lines 44-45).

In regard to claim 25 Chasen provides for a method, wherein creating a color corrected image profile further comprises accessing said digital exhibit space using access codes (col.15 lines 24-25).

As to Claim 26 Chasen provides for a method, wherein creating a color corrected image profile further comprises accessing said digital exhibit space using a password (col.15 lines 24-25).

With regard to claim 27 see claim 1 above. It recites similar limitations as claim 1. Hence it similarly analyzed and rejected.

In regard to claim 29 Chasen provides for an image acquisition device comprises a scanner (col.11 lines 20-22).

As to claim 30 Chasen provides an apparatus, wherein said image acquisition device comprises a digital camera (col.11 lines 20-22).

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As to claim 30 Chsen provides for an apparatus, wherein said profiling mechanism is integrated into said camera (Fig.1 element 14, which contains elements 17 and 16).

Other Cited References

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent 6,628,826 to Gilman et al. is cited for color reproduction of images from color films.

U.S. patent 6, 115,492 to Meltzer et al. is cited for multiple purpose composite target for digital images test and calibration.

U.S. patent 5,881,209 to Stokes is cited for method and system for automatically generating printer profiles.

U.S. patent 6,072,589 to Rozzi is cited for arrangement for efficient characterization of printing devices and method therefor.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915.


The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5631.

Ali Bayat 
Patent examiner
Group Art Unit 2625
10/20/03


BHAVESH M. MEHTA
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